

A STATE OF EMERGENCY PROCLAMATION NO. 5/2021

A State of Emergency Proclamation Enacted to Avert the Threat Against National Existence and Sovereignty

Whereas, it is the government's legal duty and moral responsibility to safeguard the existence and sovereignty of the nation from internal and external enemies;

Whereas, the terrorist TPLF and its affiliates pose a grave and imminent danger against the existence and sovereignty of the country;

Considering the gravity of the killings, looting, and other cruel and inhuman attacks that are being perpetrated by the terrorist TPLF and its affiliates against civilians in several parts of the country;

Cognizant of the severity of the threat posed by individuals who live among the civilian population and work as operatives of the TPLF and its terrorist affiliates to the security of the state and the nation;

Cognizant of the fact that the terrorist TPLF is working in close cooperation with foreign powers that desire to weaken and destroy Ethiopia;

Whereas, it has become necessary to declare and implement a state of emergency in order to avert the above mentioned imminent threats against the existence of the nation which cannot be averted by regular law enforcement mechanisms;

Now, therefore, in accordance with Article 93(1) (a) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the "state of emergency proclamation enacted to avert the threat against national **existence** and sovereignty No 1/2021".

2. Definitions

For the purposes of this proclamation,

1. "Law Enforcement Organ " means Ministry of Defence, National Intelligence and Security Service, Federal Police Commission, Regional States Police, and other security organs.

2. “State of Emergency Operation Command” means the command established under article 6 of this proclamation to follow up its implementation.
3. “Firearms” means weapons that are defined under Firearms Administration and Control Proclamation No. 1177/2020 that includes small firearms, light firearms, and other weapons and harm inflicting materials.
4. “Person” means any physical or juridical person.
5. Any expression in the masculine gender includes the feminine.

3. Scope of Application

1. This proclamation shall be applicable in all parts of Ethiopia.
2. Notwithstanding the provision of sub-article 1 of this Article, the scope of application of this proclamation could be narrowed contingent on the magnitude of the problem that necessitated this proclamation. The State of Emergency Operation Command shall determine, through directives, parts of the country where the application of this proclamation would be lifted and publicize the same to the public.

Part Two

Emergency Measures and Prohibited Actions

4. State of Emergency Measures

When the State of Emergency Operation Command believes that it is necessary to protect the existence and sovereignty of the nation and to maintain the wellbeing of innocent civilians, it may:

1. Order the deployment of the armed forces or other security forces in any part of the country to maintain peace and security;
2. Order citizens whose age are fit for military service and who are in possession of firearms to take military training, to take orders for military missions, or to hand over their firearms in case they are unable to do so;
3. To Impose curfew;
4. Cause the closure or termination of any means of communication and public transportation;

5. Arrest any person without a court warrant upon reasonable suspicion that he cooperates with terrorist groups; detain such person for the period that this proclamation is in force or hold the same accountable under the law;
6. Search any person's house, place, and vehicle upon reasonable suspicion that he cooperates with terrorist groups; stop any person to search and to ascertain his identity; confiscate seized firearms;
7. Give order for the closure of a given street or a service providing institution for a certain period; or give an order for persons to stay in a certain place, ban from entering into or evacuate from a given place for a certain period;
8. Partially or fully suspend local administrative structure, change or replace administrators with civilian or military administrators in parts of the country where there are serious security threats and problems of the country;
9. Order the relevant regulatory authority to effect the suspension or permanent cancellation of licenses of civil society organizations which have been suspected of providing direct or indirect, moral or material support to terrorist organizations;
10. Order the relevant regulatory authority to effect the suspension or permanent cancellation of licenses of mass media or journalists who have been suspected of providing direct or indirect, moral or material support to terrorist organizations.

5. Use of Proportional Force and Non Derogable Rights

1. The State of Emergency Operation Command may order security forces to use proportional force which it finds necessary for the execution of state of emergency measures provided in this proclamation.
2. The State of Emergency operation command shall respect the provisions and rights enshrined under Article 93(4) of the FDRE Constitution on its directives, decisions, and measures.

6. Obligations and Prohibited Activities

1. Any person shall have the duty to observe directives and orders of the Emergency Operation Command enacted in accordance with this proclamation.

2. Any form of expression which is opposed to the operation of the Emergency Operation Command and the purpose of the proclamation, contributes to the success of terrorist groups' objectives, encourages the activities of the terrorist group, or terrorizes civilian population is prohibited.
3. Providing any form of monetary, information, material, or moral support, either directly or indirectly, to terrorist groups is prohibited.
4. Holding demonstrations or public gatherings without permission of the Emergency Operation Command or any other delegated authority is prohibited.
5. Moving around with firearms without the permission from National Defense Force, Federal Police, or other relevant security institutions is prohibited.
6. Moving around cities without holding an identity card, driving license, employee identity card, passport, or any other similar identity card is prohibited. Any person who does not have an identity card shall acquire a temporary identity card from nearby local Kebele, Woreda Security and administration office, or police station within two weeks from the issuance of a directive regarding this matter by the Emergency Operation Command.
7. Disrupting the activities of any essential service or production sector or carrying out acts of economic sabotage is prohibited.
8. Engaging in abuse of power with intent to gain an illicit benefit under the pretext of enforcing the proclamation or detaining individuals deliberately without reasonable suspicion or engaging in any such abusive behavior is prohibited.

Part Three

State of Emergency Operation Command

7. Establishment and Responsibility

1. A body led by the Chief of Staff of the Ethiopian National Defense Forces hereinafter referred to as "State of Emergency Operation Command" is hereby established to enforce this proclamation.

2. The structure and organization of the State of Emergency Operation Command shall be determined by the Prime Minister.
3. The State of Emergency Operation Command may establish task forces and committees from relevant bodies which will take responsibilities for the enforcement of this proclamation
4. The State of Emergency Operation Command is responsible to the Prime Minister.
5. The State of Emergency Operation Command shall lead and monitor measures stated under article 4 of this proclamation.
6. The State of Emergency Operation Command shall lead, coordinate and order law enforcement organs under one command.
7. It shall have any other power necessary and proper for the execution of its powers under this proclamation.

Part Four

Miscellaneous Provisions

8. Suspended Laws

1. Any judicial organ shall not have authority with regards to the enforcement of this Proclamation until the expiry of the same.
2. Without prejudice to diplomatic immunities indicated under the Vienna Convention on Diplomatic Relations, substantive and procedural laws inconsistent with this proclamation shall remain suspended during the implementation of this proclamation.

9. Criminal Liability

1. Whosoever violates the provisions of this Proclamation or directives issued in accordance with this Proclamation shall be punished with simple imprisonment of up to three years or depending on the gravity of the offense rigorous imprisonment of up to ten years.
2. If the violation stated under Sub-article 1 of this article entails grave punishment in other laws, such punishment shall apply.

3. Violations of this proclamation and directives issued pursuant to it that have been committed during the course of this state of emergency will entail criminal liability in accordance with ordinary criminal procedure rules even after the expiry of the state of emergency.

10. Power to Issue Directive

1. The State of Emergency Operation Command may issue directives for the implementation of this proclamation.
2. Directives issued in accordance with Sub-article 1 of this provision shall be notified to the public through mass media that is widely accessible to the general public before their implementation.

11. Effective Date

1. This state of the emergency proclamation shall remain in effect for six months starting from its promulgation by the Council of Ministers.
2. The House of Peoples Representatives may determine the cessation time of the proclamation before the end of the six months period.

Done at Addis Ababa, this 2nd day of November 2021

ABIY AHMED (Dr)

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA**